

REMARKS

Applicants were required to elect one of the listed groups of inventions.

The Applicants provisionally elect, with traverse, to prosecute the subject matter of Group III. Applicants reserve the right to file a divisional application directed to the non-elected subject matter of the other groups.

This election is made with traverse because it is believed that the claims can be regrouped into a single group. As the Examiner is aware, there are two criteria for a restriction requirement: (A) the inventions must be independent or distinct as claimed; AND (B) there must be a serious burden on the Examiner. "If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct invention." MPEP § 803.

The present claimed invention in each group is independent and distinct. However, the Applicants respectfully request that all of the claims in Groups III and VIII be examined together since, there would not be a serious burden on the Examiner. Once the antibodies of the present invention are deemed novel and non-obvious, the method of treatment claims with such antibodies would also be novel and non-obvious. One of skill in the art cannot treat a disease if antibodies used to treat such disease were not present in the art. Therefore, a search for antibodies of the present invention also would provide art relating to the methods of treatment claims with such antibodies, since such methods of treatment claims depend on the use of the antibodies to treat a disease.

The Applicants believe that such regrouping would expedite prosecution of the present case.

CONCLUSION

If there are any issues outstanding after consideration of this election, the Examiner is invited to contact the undersigned to expedite prosecution of this case.

Respectfully submitted,

KENYON & KENYON

Dated: June 8, 2004

By: 

Kathryn M. Lumb
Reg. No. 46,885

KENYON & KENYON

One Broadway
New York, NY 10004
General Tel: 212-425-7200
Direct Dial: 212-908-6277
Fax: 212-425-5288